

Senate Bill 39
January 20, 2011
Presented by Joe Maurier
Senate Judiciary Committee

Mr. Chairman and committee members, I am Joe Maurier, Director of Montana Department of Fish, Wildlife & Parks (FWP). I am here in support of Senate Bill 39.

SB39 is the result of a number of years of grappling with the very serious issues of protecting public health and safety. This bill provides FWP law enforcement officers the basic tools necessary to protect citizens and the ability to enforce laws related to minors in possession of intoxicating substances (MIP), on lands owned or operated by the Department of FWP, on public waters within the State of Montana, and on other state public lands pursuant to an agreement with land management agencies.

Presently, if an FWP officer encounters a situation involving MIP or a person using small amounts of illicit drugs, the officer must detain the individual until other local law enforcement arrives. When this occurs in remote locations, we must detain the individual, often for several hours before a member of the enforcement agency with jurisdiction can arrive to take the necessary action. This results in a huge investment of time for all parties involved. At the same time, we are now confronted with a situation where both officers are now responsible for case reports and must testify in court for the citation that was written by the responding officer – a person who did not directly observe the violation. Allowing FWP enforcement officers to handle MIP's and misdemeanor drug cases can save already overtaxed law enforcement agencies time and resources and allow them to enforce and investigate other crimes.

There have been numerous occasions where FWP officers have encountered underage drinking, alcohol possession or misdemeanor drug use/possession at state recreation sites or on adjacent public lands during regular warden patrols such as when checking fishing licenses or on a parks patrol. The problem is endemic across the state from Tongue River State Park, Spring Meadow State Park in Helena, sites along the Blackfoot River outside Missoula, and at Flathead Lake to mention a few. Over the past three years, we have worked with local law enforcement agencies in Helena, the Flathead and Billings, developing interim protocols acceptable to both agencies in dealing with these issues. As you will hear, agreements have worked but to have statutory authority extended to State Game Wardens would be an additional help to both FWP and local law enforcement as well as eliminate the need for MOU's or other temporary solutions. Montana Game Wardens are POST certified sworn officers who are trained to appropriately handle these situations like any other Montana Peace Officer.

This law would also help us further comply with Montana's Good Neighbor Policy as many of our recreational sites are adjacent to private lands. As always, the first priority for FWP is the safety of visitors to our properties. Having this statutory authority will allow FWP officers to deal with the violations in a timely fashion before the situation escalates. It will give FWP enforcement as well as the community the tools to handle problems onsite quickly, efficiently and in a legal manner.

I urge your support of SB 39.